

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ABELARDO BARRERA URQUIZO,

Petitioner,

VS.

NATHANIEL QUARTERMAN,

Respondent.

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CIVIL ACTION NO. C-08-46


**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DENY PETITIONER'S
MOTION TO PROCEED *IN FORMA PAUPERIS***

On July 2, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner be found not indigent and that his application to proceed *in forma pauperis* on appeal (D.E. 38) be denied; and that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the memorandum and recommendation, or voluntarily dismiss his appeal. A copy of the Memorandum and Recommendation was mailed to petitioner with a card to be returned indicating his receipt of the mailing. The card has not been returned by petitioner nor has the mailing been returned by the U.S. Post Office as undeliverable. Therefore, seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, the Court finds that petitioner is not indigent and it is

ORDERED that petitioner's application to proceed *in forma pauperis* on appeal (D.E. 38) is denied. Petitioner is instructed to pay the filing fee within twenty (20) days of the date of entry of this order, or voluntarily dismiss his appeal

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 7th day of August, 2008.



Janis Graham Jack
United States District Judge